

14 Monday, July 11, 2016

16 Whereupon, the above-referenced matter
17 came on for hearing at the Alcoholic Beverage
18 Control Board, Reeves Center, 2000 14th Street,
19 N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 LAVERNE FLETCHER, Presiding

3

4 ALSO PRESENT:

5 TOBY CICCO

6 ANDREW SHULMAN

7 CHRISTOPHER MILLER

1 P-R-O-C-E-E-D-I-N-G-S

2 Roll Call Hearing

3 CHAIRPERSON FLETCHER: Would the parties
4 in the matter of Driftwood Kitchen please come
5 forward. The parties in the matter of Driftwood
6 Kitchen. This is Case #16-PRO-00076. TBM
7 Holdings, LLC, trading as Driftwood Kitchen, 400
8 H Street Northeast. License #ABRA-086210. This
9 is a Retailer Class CR, License Renewal.
10 Introductions beginning with the applicant,
11 please.

12 MR. CICCICO: Toby Cicco.

13 CHAIRPERSON FLETCHER: And would you state
14 that one more time and spell it for the record?

15 MR. CICCICO: Last name is C-I-C-C-O, first
16 name Toby, T-O-B-Y.

17 CHAIRPERSON FLETCHER: What's the last name?

18 MR. CICCICO: C-I-C-C-O.

19 CHAIRPERSON FLETCHER: T-I-C-C-O?

20 MR. CICCICO: C, please.

21 CHAIRPERSON FLETCHER: Okay, what's the first
22 name again, Mr. Cicco?

1 MR. CICC0: Toby, T-O-B-Y.

2 CHAIRPERSON FLETCHER: Thank you very much.

3 MR. CICC0: You're welcome.

4 CHAIRPERSON FLETCHER: Present on behalf of
5 the group of five?

6 MR. SHULMAN: Andrew Shulman on behalf of Dan
7 Ferrante, Nick and Megan Karellas, Kristin
8 Markham, and Kaley Williams.

9 CHAIRPERSON FLETCHER: Mr. Shulman, would you
10 spell your last name for the record?

11 MR. SHULMAN: S-H-U-L-M-A-N.

12 CHAIRPERSON FLETCHER: And, Mr. Shulman, you
13 said that you had the signed protest letter?

14 MR. SHULMAN: I do.

15 CHAIRPERSON FLETCHER: I'll take that, thank
16 you. Thank you very much. Yes, thank you. Mr.
17 Shulman has provided me with the protest letter
18 that has been signed by all the parties. And,
19 Mr. Cicco, you'll receive a copy of that. Mr.
20 Shulman, you're recognized as a designated
21 representative for the group you provided me with
22 letters of designation, designating you to

1 represent at least five individuals. Are there
2 any other members of the group present today?

3 MR. SHULMAN: No.

4 CHAIRPERSON FLETCHER: Okay, so what I'm
5 going to do, I understand that Christopher Miller
6 is en route but you have all that you need in
7 order for me to grant conditional standing to
8 your group, and what that means is that at the
9 status hearing an additional four people need to
10 show up. So, the Board likes to see at least
11 five faces, but for the roll call hearing one
12 person can show up and represent everybody, so
13 that's fine for today. The Board will grant you
14 full standing at the status hearing. So, I'm
15 going to -- so the group of -- you have a group
16 of --

17 MR. SHULMAN: It should be six.

18 CHAIRPERSON FLETCHER: I counted a group of
19 seven.

20 MR. SHULMAN: Yeah, with Kristin.

21 CHAIRPERSON FLETCHER: So, I'm granting
22 conditional standing to the group of seven. And,

1 so Mr. Shulman, did you put your contact
2 information on that sheet?

3 MR. SHULMAN: I got it on that one.

4 CHAIRPERSON FLETCHER: You got it on that
5 one?

6 MR. SHULMAN: Yeah.

7 CHAIRPERSON FLETCHER: If Mr. Miller shows up
8 while we're here, then you'll get credit for
9 having two people present today in which case
10 you'd only need to bring three more people to the
11 status hearing.

12 MR. SHULMAN: Okay.

13 CHAIRPERSON FLETCHER: We need to set a date
14 for a mediation, a status hearing and a protest
15 hearing. The date for the status hearing is
16 September thee 21st at 9:30. The date for the
17 protest hearing is November 2nd at 4:30 p.m. We
18 need to set a date for mediation. The next
19 available date for mediation is Thursday. Are
20 you Mr. Miller?

21 MR. MILLER: Yes.

22 CHAIRPERSON FLETCHER: Mr. Miller, you can

1 come forward and have a chair beside Mr. Shulman.
2 Before I set a date for mediation I'd like to
3 note for the record that Christopher Miller has
4 arrived. Mr. Miller is one of the protestants in
5 the group of seven. Mr. Miller, just before you
6 arrived I granted conditional standing to your
7 group. The fact that you're present means that
8 two people from the group appeared today and that
9 means that three more need to appear at the
10 upcoming status hearing.

11 MR. MILLER: Okay.

12 CHAIRPERSON FLETCHER: At the point of the
13 status hearing the Board needs to have seen at
14 least five faces, so you're here today so for the
15 status hearing, bring three people from your
16 group that were not here today.

17 MR. MILLER: Okay.

18 CHAIRPERSON FLETCHER: But I've already
19 granted conditional standing to the group and the
20 Board will grant full standing to the group at
21 the status hearing so we'll just, we went through
22 the process and Mr. Miller, we just set a date

1 for a status hearing for September the 21st --

2 MR. MILLER: Okay.

3 CHAIRPERSON FLETCHER: -- at 9:30, and we set
4 a protest hearing for November the 2nd at 4:30.
5 We were about to set a date for mediation but let
6 me ask you something. So, Mr. Shulman and Mr.
7 Miller, are you both going to be representing the
8 group or just one or the other?

9 MR. MILLER: I think we could get by with one
10 or the other, ma'am.

11 CHAIRPERSON FLETCHER: Mr. -- you want Mr.
12 Shulman has some letters of designation, so do
13 you want to defer to him? We just need a point
14 of contact. Is that good?

15 MR. SHULMAN: I'll be the point of contact.

16 CHAIRPERSON FLETCHER: You'll be the point of
17 contact?

18 MR. SHULMAN: Yeah.

19 CHAIRPERSON FLETCHER: So then that means
20 that you're going to be the designated
21 representative but, Mr. Shulman, you gave me
22 letters from several people designating you as

1 their representative.

2 MR. SHULMAN: I'll just be the POC then,
3 yeah.

4 CHAIRPERSON FLETCHER: Okay, all right,
5 that's good. So we've already got your contact
6 information because you're going to receive a
7 notice of all of those hearing dates, but just by
8 e-mail, so that's why we get your e-mail address.

9 MR. SHULMAN: Mm hmm.

10 MR. MILLER: The next hearing is in September
11 what?

12 CHAIRPERSON FLETCHER: The next hearing will
13 be the status hearing and that's going to be on
14 September the 21st at 9:30. And so we'll set a
15 date for mediation to occur prior to the status
16 hearing. At the status hearing the Board likes
17 to know the status of the mediation. If you
18 resolve the matter in mediation and you submit a
19 signed settlement agreement to the Board they
20 will cancel the status hearing, otherwise you
21 show up and tell the Board the status of the
22 case. The next available date for mediation is

1 Thursday, August the 25th, at 9:00, 10:00 or
2 11:00.

3 MR. CICCO: At 11:00 would work for me.

4 CHAIRPERSON FLETCHER: That would work?

5 Okay. So, would that work okay for you, Mr.
6 Shulman? August 25th at 11:00, for mediation?

7 MR. SHULMAN: Thursday, August 25th?

8 CHAIRPERSON FLETCHER: Yes. Mediation is set
9 for Thursday, August 25th at 11:00. Oh, and Mr.
10 Miller, just so that you know, Mr. Shulman did
11 give me the letter -- the signed letter.

12 MR. CICCO: Great.

13 CHAIRPERSON FLETCHER: So we have that for
14 the record now. And Mr. Miller I was provided
15 this letter by Mr. Shulman because I sent you an
16 e-mail earlier letting you know that we needed
17 this signature.

18 MR. MILLER: I've been sick for most of the
19 week, so --

20 CHAIRPERSON FLETCHER: Yes, thank you for
21 providing those signatures. Okay any questions
22 at all about what we do from here?

1 MR. CICCIO: I just want to confirm the status
2 dates.

3 CHAIRPERSON FLETCHER: Oh yeah, the status --

4 MR. CICCIO: Status 09/21/16 at 9:30 a.m. and
5 protest hearing November 2nd at 4:30 p.m.

6 CHAIRPERSON FLETCHER: Yes.

7 MR. CICCIO: Mediation August 25th at 11:00
8 a.m.?

9 CHAIRPERSON FLETCHER: Yes.

10 MR. CICCÒ: Okay, thank you.

11 CHAIRPERSON FLETCHER: Okay, well thank you
12 very much. The roll call hearing is concluded.
13 Thank you for coming.

14 MR. CICCIO: Thank you.

15 10:19 a.m.

16 [Whereupon, the above-entitled matter
17 concluded.]